



children of Samuel M. McGaw IV. Their names, dates of birth, Social Security Numbers, residences and mailing addresses are included in the Notice of Minor Settlement, which is filed separately and the parties request remain **UNDER SEAL**.

2. Leslie Tolx McGaw is the natural parent and proper legal guardian of said minors, and Samuel M. McGaw, Jr. is the personal representative of the estate of Samuel M. McGaw, IV.
3. The above stated individuals filed an action in this Court against Sevier County, Tennessee, alleging liability for the death of Samuel M. McGaw, IV, under 42 U.S.C. § 1983, based on an alleged deprivation of his constitutional right to adequate medical care while a pretrial detainee at the Sevier County Jail. Sevier County denies these allegations.
4. The parties would show that there has been a mediated settlement of the above-stated claims, the terms of which are detailed in the separately filed Notice of Minor Settlement, which the parties request remain **UNDER SEAL**.
5. The parties jointly request the Court to find this settlement is a full and final settlement of the above-stated claims and any claims which Samuel Marshall McGaw, V, Zakary Aiden McGaw; Ava Belle McGaw; Emma Grace McGaw; Addison Reese McGaw; Leslie Tolx McGaw; and/or Samuel M. McGaw, Jr. may have, both present and future, under any theory of liability against Sevier County, Tennessee arising out of the death of Samuel M. McGaw, IV, that were made or could have been made in this action.

6. Plaintiffs represent that this settlement is in the best interest of the minor children. As provided in the separately filed Notice (UNDER SEAL), one hundred percent of the settlement funds disburseable to the plaintiffs (excluding litigation fees and expenses) are to be devoted to the purchase of interest bearing annuities for each of the five children and will begin semi-annual disbursements when each reaches the age of majority. A property management plan describing said annuities is attached to the Notice of Minor Settlement, which the parties request remain UNDER SEAL.
7. In view of the fact that all of the funds for the children are being placed in interest bearing annuities, Plaintiffs submit there is no need at this time for the appointment of a Guardian Ad Litem.

**WHEREFORE**, the parties pray:

1. That the Court hear evidence touching upon the reasonableness of this minor settlement and approve, confirm, and ratify said settlement under the terms described in the separately filed Notice of Minor Settlement (UNDER SEAL) and in accordance with the requirements of Tennessee and federal law by finding that the settlement is in the best interest of the minors.
2. That the Court order the separately filed Notice of Minor Settlement and accompanying attachments detailing the terms of said settlement, the structured annuities, and the details of attorney fees and representation to remain under seal. The parties submit that said documents should remain under seal for the following reasons: (1) the litigation involves private parties; (2) the litigation concerns matters of private concern; and (3) disclosure of the financial

terms would result in risk of harm to the minor children and their family. *Ballard v. Herzke*, 924 S.W. 2d 652, 658-59 (Tenn. 1996).

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

This the 29th day of June, 2018.

BUTLER, VINES AND BABB, PLLC

**/s/Louis W. Ringger, III**

